

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

ROGER DEAN GILLISPIE,	:	
	:	
Plaintiff,	:	Case No. 3:13-cv-416
	:	
v.	:	Judge Thomas M. Rose
	:	
CITY OF MIAMI TOWNSHIP, <i>et al.</i> ,	:	
	:	
Defendants.	:	

SCHEDULING ORDER

In accordance with the Court’s discussion with counsel for Gillispie, Moore, Miami Township, and Wolfe on March 2, 2022, any opposition to the motion filed as Document Number 312 must be filed 21 days from the date on which Plaintiff files the two documents under seal in accordance with the Order entered on March 2, 2022 (Doc. No. 314). Any reply filed by Plaintiff in support of the motion (Doc. No. 312) must be filed within 35 days from the date on which Plaintiff files the documents under seal in accordance with the Order entered on March 2, 2022 (Doc. No. 314).

The briefing on the motion (Doc. No. 312) should address both (1) Plaintiff’s request for leave to conduct additional limited discovery, and (2) Plaintiff’s request for leave to file a motion for reconsideration of summary judgment with respect to Miami Township and Wolfe. Additionally, for purposes of the second issue (i.e., leave to file a motion for reconsideration of summary judgment with respect to Miami Township and Wolfe), the Court expects that the briefing will, at least, address the following three issues: (a) whether a motion for reconsideration of the Court’s September 21, 2020 order (Doc. No. 298) is an appropriate vehicle for Plaintiff to

make his arguments concerning the Court granting summary judgment for Miami Township and Wolfe; (b) whether Plaintiff is barred—due to estoppel, waiver, or otherwise—from now arguing that the Court should reconsider its September 21, 2020 order (Doc. No. 298) on the basis of newly-disclosed transcript(s) of Grand Jury proceedings; and (c) whether Plaintiff is barred—due to estoppel, waiver, or otherwise—from now arguing that the Court should reconsider its September 21, 2020 order (Doc. No. 298) on the basis of the November 22, 2021 state court decision declaring Plaintiff a wrongfully-imprisoned individual.

After ruling on one or both of the issues presented in the motion filed as Document Number 312, the Court will enter an order that establishes a deadline for Plaintiff to file any motion to disclose (or otherwise release) any additional portion of the transcript(s) of Grand Jury proceedings beyond what the state court of appeals ruled on November 24, 2021 must be disclosed and produced to Plaintiff.

DONE and ORDERED in Dayton, Ohio, this Thursday, March 3, 2022.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE